

Assembly Bill No. 1232

Passed the Assembly August 31, 2009

Chief Clerk of the Assembly

Passed the Senate August 27, 2009

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2009, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Section 56375.2 to the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 1232, Huffman. Local agency formation commissions: powers and duties.

Existing law requires the local agency formation commission in each county to, among other things, review and approve or disapprove proposals for changes of organization, or reorganization, and authorizes the commission to initiate proposals for the formation, consolidation, or dissolution of a district, a merger, or the establishment of a subsidiary district, as specified.

This bill would, on and after January 1, 2011, authorize the Marin County Local Agency Formation Commission to initiate and approve the reorganization or consolidation of the Sewerage Agency of Southern Marin (SASM) and its member districts, and would also authorize the commission to require SASM and its member districts to pay the commission's costs associated with the reorganization or consolidation.

The people of the State of California do enact as follows:

SECTION 1. The Legislature hereby finds and declares the following:

(a) The federal Clean Water Act prohibits the discharge of pollutants into waters of the United States except in compliance with various sections of that act, including permits for treated discharge of wastewater.

(b) Wastewater sewer systems collect, transport, and treat wastewater sewage. However, illegal sewage spills of raw or partially treated sewage are a serious problem in aging sewer systems and are commonly caused by severe weather and improper system operation and maintenance.

(c) The United States Environmental Protection Agency estimates that there are at least 40,000 sewage spills each year.

The sewage from these spills can contaminate surface and groundwater, causing serious water quality problems.

(d) Untreated sewage discharged into San Francisco Bay can cause significant harm to an estuary that supports large numbers of birds, fish, and wildlife, including threatened and endangered species. The bay and estuary are also linked to the water supply for over two-thirds of the state's population.

(e) The United States Environmental Protection Agency reports that from 2004 to early 2008, the Sewerage Agency of Southern Marin (SASM) and its six member districts had over 200 illegal sewage spills.

(f) On January 25, 2008, in Marin County, SASM illegally spilled over 2.5 million gallons of raw and partially treated sewage to the San Francisco Bay. As a result of this illegal spill, the United States Environmental Protection Agency and the San Francisco Bay Regional Water Quality Control Board issued violation notices and required operational improvements and payment of one million six hundred thousand dollars (\$1,600,000) in fines.

(g) The Marin County Grand Jury reviewed and reported on the southern Marin sewage problem in 2004, and again in 2009. The Grand Jury recommended in their 2009 report that "SASM and its six member districts consolidate into one central agency with a single budget and staff" and indicated that consolidation could occur gradually, but planning should begin now.

(h) The Marin Local Area Formation Commission (LAFCO), in preparation for the 2005 Municipal Service Review, conducted an evaluation of the southern Marin sewer agencies. The study concluded that there is a strong and positive case for southern Marin sewer agencies to initially pursue more collaborative working relationships, and to secondly pursue political and governance consolidations in order to achieve improvements in efficiency and effectiveness and reduce demands for budget increases.

(i) It is the intent of the Legislature that SASM and its member districts take action immediately to increase the effectiveness and efficiency of its operations in order to provide more cost-effective customer service and to reduce the impacts on water quality due to illegal sewage spills. It is also the intent of the Legislature that if SASM and its member districts do not act to address the inefficiencies of their operations, that the Marin LAFCO shall have

the authority to require consolidation of SASM and its member districts into one new district.

SEC. 2. Section 56375.2 is added to the Government Code, to read:

56375.2. (a) In addition to those powers enumerated in Section 56375, the Marin Local Area Formation Commission may initiate and approve, after notice and hearing, a reorganization or consolidation of the Sewerage Agency of Southern Marin and its member districts, without protest hearings.

(b) If the commission initiates and approves the reorganization or consolidation pursuant to subdivision (a), the commission may impose terms and conditions on the reorganization or consolidation that would require the Sewerage Agency of Southern Marin and its member agencies to be responsible for payment of the commission's costs incurred in association with the reorganization or consolidation.

(c) This section shall become effective on January 1, 2011.

SEC. 3. The Legislature finds and declares that, because of the unique circumstances applicable to the County of Marin, a statute of general applicability cannot be enacted within the meaning of subdivision (b) of Section 16 of Article IV of the California Constitution. Therefore, this special statute is necessary.

Approved _____, 2009

Governor